

**State of Maine
Department of Environmental Protection
Bureau of Land and Water Quality**

**General Permit for the Discharge of Stormwater from
State or Federally Owned
Municipal Separate Storm Sewer System Facilities**

Public Notice Date: January 8, 2003

General Permit— State or Federally Owned Separate Storm Sewer System Facilities

Maine Pollutant Discharge Elimination System (MEPDES)

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PART I – General Permit Coverage

- A. General coverage of this permit.** This general permit authorizes the direct discharge of stormwater from or associated with a State or Federally Owned Municipal Separate Storm Sewer System Facility to a Municipal Separate Storm Sewer System (MS4) or waters of the state other than groundwater, provided that the discharge meets the requirements of this general permit and applicable provisions of Maine's waste discharge and water classification statutes and rules. Compliance with this general permit authorizes a person to discharge stormwater, pursuant to 38 M.R.S.A. § 413, as described below. Discharges listed in Part I(D)(2-6) are excluded from coverage under this general permit. This general permit authorizes discharges in those parts of Maine for which the Department has received delegated authority under the federal NPDES program.
- B. Effective date of authorization.** This general permit is effective March 10, 2003, or on the date the NOI is accepted by the Department, pursuant to Part V(B) whichever is later; authorization to discharge under this general permit expires March 9, 2008.
- C. Authority.** A permit is required for the direct or indirect discharge of pollutants to waters of the State.¹ A general permit may be issued for point discharges (direct discharges) of stormwater.² A violation of a condition or requirement of a general permit constitutes a violation of Maine's water quality laws and the federal Clean Water Act, and subjects the discharger to penalties under 38 M.R.S.A. § 349, and § 309 of the Clean Water Act. Nothing in this general permit is intended to limit the Department's authority under the waste discharge and water classification statutes or rules. This general permit does not affect requirements under other applicable Maine statutes such as Site Location of Development (Site Law), Stormwater Management, and Natural Resources Protection (NRPA).
- This general permit does not prevent a Permittee from adopting stricter standards than contained in this general permit, or in state or federal law.
- D. Limitations on coverage.** This general permit does not authorize a stormwater discharge that requires an individual waste discharge permit or is required to obtain coverage under another waste discharge general permit. The Department may require any person with a discharge authorized by this general permit to apply for and obtain an individual permit or an alternative general permit.³ When the DEP notifies an applicant that an individual permit or an alternative general permit is required, no work may be begun or continued unless and until the individual permit is

¹ See 38 M.R.S.A. § 413.

² See 06-096 CMR 529(2)(a)(2)(i).

³ See 06-096 CMR 529(2)(B)(3).

obtained. Any interested person may petition the Department to take action under this paragraph. Examples of when an individual waste discharge permit may be required are specified in rule.⁴

1. Compliance with this general permit. This general permit does not authorize a stormwater discharge that is not in compliance with the requirements of this general permit. If the Department determines that the standards of this general permit have not been met, the Department shall notify the person and may:

- a. Authorize coverage under this general permit after appropriate controls and implementation procedures designed to bring the discharge into compliance with this general permit and water quality standards have been implemented as determined by the Department;
- b. Require an individual waste discharge permit; or
- c. Inform the person that the discharge is prohibited.

Compliance with this subparagraph does not preclude any enforcement activity under Maine law for an underlying violation.

2. Non-stormwater. This general permit does not authorize discharges that are mixed with sources of non-stormwater, other than those discharges in compliance with Part IV(D)3(c).

3. Discharge of hazardous substances, chemicals, or oil. This general permit does not authorize the discharge of hazardous substances, chemicals, or oil resulting from an on-site spill.

4. Total maximum daily load (TMDL). This general permit does not authorize a direct discharge that is inconsistent with any EPA approved TMDL for the waterbody to which the direct discharge drains. This general permit does not authorize a discharge to an impaired waterbody for which the Department has issued a watershed-specific MS4 general permit.

5. Violation of water quality standards. This general permit does not authorize a discharge that may cause or contribute to a violation of a water quality standard.

6. Other waste discharge permit. This general permit does not authorize a stormwater discharge associated with construction activity that requires an individual MEPDES permit or waste discharge license (WDL) or is required to obtain coverage under another waste discharge general permit.

7. Waste discharge license (groundwater). A WDL may be required for the discharge of stormwater through any well or wells, including drywells and subsurface fluid distribution systems. For complete requirements, see 06-096 CMR 543.

A “subsurface fluid distribution system” is an assemblage of perforated pipes, drain tiles, or similar mechanisms intended to distribute fluids below the surface of the ground. A “well” is a bored, drilled, or driven shaft the depth of which is greater than the largest surface dimension, whether the shaft is typically dry or contains liquid; or a dug hole the depth of which is greater than the largest surface dimension; or a subsurface fluid distribution system. “Well injection” means the subsurface discharge of fluids into or through a well.

PART II -- Definitions

⁴ 06-096 CMR 592(2)(B)(3)(i)(A)-(G)

In addition to the definitions found in Chapter 520 of the Department's rules, and applicable statutory definitions, the following terms have the following meanings when used in this general permit.

- A. Best Management Practices (BMP).** “Best Management Practices” or “BMPs” means those practices, that reduce pollution and that have been determined by the Department to be acceptable based on, but not limited to technical, economic, and institutional feasibility.
- B. Construction activity.** "Construction activity" or "activity" means:
1. Construction activity including one acre or more of disturbed area, or an activity with less than one acre of total land area that is part of a common plan of development or sale, if the common plan of development or sale will ultimately disturb equal to or greater than one acre; or
 2. Any other construction activity designated by the Department based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the State.
- C. Department.** "Department" means the State of Maine Department of Environmental Protection.
- D. Discharge.** "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state".⁵ "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.⁶
- E. Disturbed area** "Disturbed area" is clearing, grading and excavation⁷ Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area". "Disturbed area" does not include routine maintenance of an impervious area within the footprint of that impervious area, but does include redevelopment. "Routine maintenance" is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility.
- F. Illicit Discharge** “Illicit Discharge” means any non-permitted discharge to the waters of the state that does not consist entirely of stormwater or allowable non-stormwater discharges identified in Part IV(D)3(C).
- G. Maximum Extent Practicable (MEP).** “Maximum Extent Practicable” or “(MEP)” Available and feasible considering cost, existing technology, and logistics based on the overall purpose of the project
- H. Municipal Separate Storm Sewer System (MS4).** “Municipal separate storm sewer system” or “(MS4)” means conveyances for stormwater, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, State agency or Federal agency and discharging directly to surface waters of the state.
- I. Notice of Intent (“NOI”).** "Notice of Intent" or "NOI" means a notification of intent to seek coverage under this general permit, as provided in Part III(A), made by the applicant to the Department on a form provided by the Department.

⁵ See 06-096 CMR 520(2).

⁶ .See 38 M.R.S.A. § 466(5) (definition of "direct discharge") and 06-096 CMR 520 (definition of "point source").

⁷ See 06-096 CMR 521(9)(b)(14)(x) and 40 CFR 122.26(b)(15).

- J. Permittee.** “Permittee” means state-or federally owned storm sewer system facility authorized under this general permit.
- K. Person.** “Person” means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity which creates, initiates, originates or maintains a discharge authorized by this general permit.⁸
- L. Registrant.** “Registrant” means a municipality, sanitary or sewerage district, state agency or federal agency, which files a registration pursuant to Section IV of this general permit.
- M. Regulated Small MS4.** “Regulated Small MS4” means any Small MS4 authorized by this general permit including all those located partially or entirely within an Urbanized Area and those additional Small MS4s located outside an Urbanized Area which, as of the issuance of this general permit, have been designated by the Department as Regulated Small MS4s. A list of these MS4s is included in Appendix A of this general permit.
- N. Small MS4.** “Small MS4” means any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems, State- and Federally-owned systems, such as colleges, universities, prisons, MTA and MDOT road systems and facilities, and military bases and facilities located within an Urbanized Area.
- O. Stormwater.** “Stormwater” means storm water runoff, snowmelt runoff, and surface runoff and drainage. “Stormwater” has the same meaning as “storm water”.
- P. Total Maximum Daily Load (TMDL)** “Total Maximum Daily Load” or “(TMDL)” means the maximum capacity of a surface water to assimilate a pollutant as established by the Department including pollutants contributed by point and non-point sources and a margin of safety.
- Q. Urbanized Area (UA).** “Urbanized Area” or “UA” means the areas of the state of Maine so defined by the U.S. Census Bureau, for the 2000 census.

Part III Procedure

- A. NOI requirements.** State or federally owned storm sewer system facilities shall file with the Department a two-part NOI registration form that meets the requirements of this section of this general permit. Part A of the NOI must be submitted on or before March 10, 2003. Part B of the NOI must be submitted on or before May 9, 2003.
- B. Scope of NOI.** The permittee shall register on one set of NOI forms for all discharges that are operated by the permittee.
- C. Contents of NOI**
- 1. Part A, NOI Form.** Part A of the NOI must be filed on a form provided by the Department and must include the following.
- a. Name of the Permitted Facility and the name, title, address, and telephone number of the principal stormwater contact person.

⁸ See 38 M.R.S.A. § 361-A(4).

- b. Name, primary contact, address, and telephone number of any consultant(s) or engineer(s) retained by the permittee to prepare the registration.
- c. Name of the municipalities, receiving stream(s), and waterbody(s) to which the Permitted Facility discharges.
- d. Maps indicating roads and drainage ways that the permittee is responsible for within the UA.

2. Part B, NOI Form. Part B of the NOI must be filed on a form prescribed and provided by the Department and must include the following:

- a. Name of the Permitted Facility and the name, title, address, and telephone number of the principal stormwater contact person.
- b. For each of the six Minimum Control Measures in Part IV(D), the following information must be included:
 - (i) The measurable goal(s) by which each BMP will be evaluated;
 - (ii) The person(s) (along with his/her/their position(s) within the agency or department responsible for implementing each BMP; and
 - (iii) The date by which each BMP will be implemented including as appropriate, time lines and milestones for implementation of BMPs.
- c. The resources that may be used in the development of BMPs and measurable goals include, but are not limited to, the following:
 - EPA's BMP menu: <http://www.epa.gov/npdes/menuofbmps/menu.htm>
 - EPA's guidance on Measurable goals:
<http://www.epa.gov/npdes/stormwater/measurabelgoals/index.htm>
 - MDOT's Best Management Practices for Erosion & Sedimentation Control:
<http://www.state.me.us/mdot/mainhtml/bmp/bmprevision90602.pdf>
 - Maine's Phase II Municipal Guidance Document
- d. The signature of the principal executive officer of the Permitted Facility and any individual or individuals responsible for actually preparing the registration, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with Maine General Statutes.

I certify that this permit registration is on complete and accurate forms as prescribed by the Department without alteration of the text.

I also certify under penalty of law that I have read and understand all requirements of the General Permit for the Discharge of Stormwater from State-and Federally-owned Municipal Separate Storm Sewer System Facilities issued on March 10, 2003. I certify that all requirements for authorization under the general permit are met and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit for the municipality. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements."

3. Where to file a registration form A registration must be filed with the Department at the following address:

**Stormwater Phase II Coordinator
Bureau of Land & Water Quality
Department Of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017**

4. Additional information. The Department may require a registrant to submit additional information that the Department reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

5. Action by Commissioner.

- a. The Commissioner may deny a registration:
 - i. If the registration does not satisfy the requirements of Part III(C) of this general permit. In the case of such a denial, the registrant shall re-file a modified registration within 30 days: or
 - ii. If more than 30 days have elapsed since the Commissioner requested that the registrant submit additional information and the registrant has not timely and completely submitted such information.
- b. The Commissioner shall deny a registration:
 - i. If the subject activity is ineligible for this general permit, or that the registrant cannot or is unlikely to comply with this general permit; or
 - ii. For any other reason provided by law.
- c. Disapproval of a registration constitutes notice to the registrant that the subject activity may not lawfully be conducted or maintained without issuance of an individual MEPDES permit or WDL.
- d. Disapproval of a registration must be in writing.

Part IV. Requirements

The permittee shall at all times continue to meet the requirements for authorization set forth in Part I of this general permit. In addition, a permittee shall assure that authorized activities are conducted in accordance with the following conditions:

- A. Stormwater program management plan.** Each permittee must develop, implement, and enforce a Plan implementing six minimum control measures designed to reduce the discharge of pollutants from the Permitted Facility to the maximum extent practicable to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. The Plan must be completed and all Minimum Control Measures fully implemented by March 9, 2008.
- B. Annual fee.** An annual fee of \$150.00 must be submitted each year, starting March 10, 2004 with the submission of the annual report. Fees must be paid by check or money order payable to **Treasurer, State of Maine**.
- C. Development of stormwater program management plan.** The Plan must address the six Minimum Control Measures as indicated in this section. The Plan must, at a minimum, include the measures indicated as required within

the Urbanized Area. The permittee may also include in the Plan those measures indicated as suggested and any other measures the permittee deems appropriate.

D. Minimum control measures For each Minimum Control Measure, the permittee must: define appropriate BMPs; designate a person(s) or position responsible for each BMP; define a time line for implementation of each BMP; and define measurable goals for each BMP. The Minimum Control Measures to be included in the Plan are as follows.

1. Public education and outreach. Each permittee must implement an education program to distribute education material to the respective permittee's community. The education program must provide information concerning the impact of stormwater discharges on waterbodies and the steps and/or activities that each community can take to reduce the pollutants in stormwater runoff from Permitted Facilities. These steps/activities must consist of the following.

- a. Each permittee shall conduct training to address pollution reduction in stormwater runoff.
- b. Each permittee's contractors are required to have an on-site, responsible person who is trained in erosion and sediment control and has the authority to remedy promptly any deficient controls.
- c. Each permittee shall coordinate with local groups as appropriate.

2. Public Involvement and participation. Any public education and outreach activities undertaken pursuant to subparagraph D(1) must comply with the public notice requirements of the Maine Freedom of Access Act, 1 M.R.S.A. §§ 401 et seq. ("FOAA").

3. Illicit discharge detection and elimination. Each permittee must develop, implement and enforce a program to detect and eliminate illicit discharges and non-stormwater discharges, as defined in 06-096CMR521(9)(b)(2), except as provided in Part IV(D)3(c) of this permit into any small regulated MS4.

- a. Within five years of the date of permit issuance, each permittee will develop a storm sewer system map for their Permitted Facilities showing all stormwater discharges from a pipe or conduit operated by the permittee. For each discharge the following information must be included: type, material, and size of conveyance, outfall or channelized flow (e.g. 24" concrete pipe); name of the immediate surface waterbody or wetland to which the stormwater runoff discharges; if the outfall does not discharge directly to a named waterbody, name of the nearest named waterbody to which the outfall eventually discharges. At a minimum, the map must show the location of all outfalls and the name and location of the receiving water bodies for each outfall.

Additional elements may be included on the map, such as, location of catch basins, locations of manholes, and the location of pipes within the system.

- b. Each permittee's illicit discharge detection and elimination program will consist of the following elements.
 - i. Procedures to identify priority areas (i.e. areas suspected of illicit discharges and areas scheduled for maintenance and construction activities).
 - ii. Procedures including training for locating illicit discharges (i.e. visual screening of outfalls for dry weather discharges).
 - iii. Procedures for locating the source of the illicit connection (i.e. dye and smoke testing) and addressing any problems
 - iv. Procedures for notifying the appropriate state or municipal enforcement authorities regarding illicit connections and discharges identified by the permittee.
 - v. Procedures for documenting actions

- c. This permit authorizes following non-stormwater discharges provided they do not cause or contribute to a violation of water quality standards; these discharges must be addressed in the Plan if they are identified by the permittee as causing or contributing to a water quality violation:
- landscape irrigation,
 - diverted stream flows,
 - rising ground waters,
 - uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
 - uncontaminated pumped ground water,
 - uncontaminated flows from foundation drains,
 - air conditioning condensate,
 - irrigation water,
 - flows from uncontaminated springs,
 - uncontaminated water from crawl space pumps,
 - uncontaminated flows from footing drains,
 - lawn watering runoff,
 - flows from riparian habitats and wetlands,
 - residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used), and
 - fire fighting activity runoff.
 - discharges from potable water sources provided that the discharge is done during a wet weather event, high stream flows, or to a vegetated buffer.

8. **Construction site stormwater runoff control.** Develop, implement, and enforce a program, or modify an existing program, to reduce pollutants in any stormwater runoff to the Permitted Facility from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of stormwater discharges from construction activity disturbing less than one acre shall be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more.

a. Required:

- i. Procedures for notifying construction site developers and operators of the requirements for registration under the General Permit for the discharge of stormwater associated with construction activities;
- i. Requirements for construction site operators to implement appropriate erosion and sediment control best management practices in accordance with state law and any local requirements;
- iii. Requirements for construction site operators to control waste at the site such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste that may cause adverse impacts to water quality;
- iii. Procedures for site inspection and enforcement of control measures;
- iv. Procedures for contacting the Department for enforcement assistance; and
- v. Procedures for documenting actions.

b. Suggested:

The Permittee should consider existing state programs that regulate either construction, such as the Small Construction General Permit, or stormwater, such as the Stormwater Management Law or the Site Law or the Maine Erosion and Sedimentation Control Law that the MS4 can reference or incorporate into a local ordinance.

5. Post-construction stormwater management in new development and redevelopment.

a. Required:

- i. Develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the MS4 or directly to waters of the State. This program shall ensure that controls are in place that will prevent or minimize water quality impacts;
- ii. Develop and implement strategies that include a combination of structural and/or non-structural best management practices (BMPs) appropriate for your facility;
- iii. Ensure adequate long-term operation and maintenance of BMPs.
- iv. Procedures for contacting the Department for enforcement assistance; and
- vi. Procedures for documenting actions.

b. Suggested:

The Permittee should consider existing state programs that regulate post construction, such as the requirements for managing stormwater quality and quantity as listed in the stormwater management law or the site law that the MS4 can reference or incorporate into a local ordinance.

6. Pollution prevention/good housekeeping for municipal operations. The Permittee shall

- a. Develop and implement an operation and maintenance (O&M) program with the ultimate goal of preventing and/or reducing pollutant runoff from its Permitted Facilities. The O&M program must include employee training to prevent and reduce stormwater pollution from the following activities, as applicable: open space maintenance, fleet and building maintenance, new construction and land disturbance and stormwater system maintenance.
- b. Develop inspection procedures and schedules for maintenance activities described in (a) above.

E. Sharing responsibility

- 1. Qualifying local program.** The permittee may satisfy the requirement to implement a BMP for a Minimum Control Measure by having a third party implement the BMP. For example, if a local watershed organization performs an annual “river clean-up”, this event may be used to satisfy a BMP for the Public Participation and the Pollution Prevention and Good Housekeeping Minimum Control Measure.

If the permittee is relying on a third party to implement one or more BMP(s), the permittee shall note that fact in the registration and annual report required in subsection (i) below. If the third party fails to implement the BMP(s), the permittee remains responsible for its implementation.

- 2. Qualifying State or Federal Program.** If a BMP or Minimum Control Measure is the responsibility of a third party under another NPDES permit, the permittee is not required to include such BMP or Minimum Control Measure in its stormwater management program. The Permittee shall reference this qualifying program in its

Plan. However, the Permittee is not responsible for its implementation if the third party fails to perform. The Permittee shall periodically confirm that the third party is still implementing this measure. If the third party fails to implement the measure, the Plan may be modified to address the measure, if necessary.

In the case of a permitted municipal industrial activity, such as a publicly owned treatment works, covered by the Multi-Sector General Permit, the Permittee may reference the plan required by that general permit.

Cooperation with interconnected MS4s. The Permittee should identify interconnections within the system. These interconnections include both those leaving the system and those entering the system. The Permittee should attempt to work cooperatively with an interconnected MS4 in instances of discharges impacting either system.

F. Signature Requirements

1. The Plan must be signed by the Permittee's principal executive officer. The Plan must be retained by the principal executive officer and copies retained employees responsible for implementation of the Plan.
2. The Permittee shall make a copy of the Plan available to the following immediately upon request:
 - a. The Commissioner;
 - b. In the case of an MS4 adjacent to or interconnected with the Permittee's storm sewer system, to the operator of that MS4; and
 - c. In the case of an MS4 stormwater discharge to a water supply watershed, to the public water supply company.

G. Keeping plans current. The Permittee shall keep the plan current. Circumstances when the plan must be amended include the following:

1. The plan must be amended if the Department or the Permittee determines that:
 - a. The actions required by the Plan fail to ensure or adequately protect against pollution of the waters of the State that cause or contribute to a water quality violation;
 - b. The plan does not prevent the potential for a significant contribution of pollutants to waters of the State; or
 - c. The plan does not meet one or more requirements of this general permit.
2. The Department shall notify the Permittee if Department determines that the Plan must be amended. Within 30 days of such notification, unless otherwise specified by the Department in writing, the Permittee shall respond to the Department indicating how they plan to modify the Plan to address these requirements. Within 90 days of this response or within 120 days of the original notification, whichever is less, unless otherwise specified by the Department in writing, the Permittee shall then revise the Plan, perform all actions required by the revised Plan, and certify to the Department that the requested changes have been made and implemented.
3. The Permittee shall provide such information as the Department requires to evaluate the Plan and its implementation.

H. Failure to prepare or amend the plan. Failure to complete or update a Plan in accordance with Part IV of this general permit does not relieve a Permittee of responsibility to implement actions required to protect the waters of the state and to comply with all conditions of this general permit.

I. Evaluation and assessment

1. Required:

- a. The Permittee shall evaluate program compliance, the appropriateness of identified best management practices, and progress towards achieving identified measurable goals.

2. Suggested monitoring:

- a. Stormwater monitoring should be conducted by the permittee annually starting in 2004. At least two outfalls apiece should be monitored from areas of primarily industrial development, commercial development and residential development, respectively, for a total of six (6) outfalls monitored. Each monitored outfall should be selected based on an evaluation by the MS4 that the drainage area of such outfall is representative of the overall nature of its respective land use type.
- b. Parameters to be monitored for each discharge point should include:

pH (SU)
Hardness (mg/l)
Conductivity (umos)
Oil and grease (mg/l)
Chemical Oxygen Demand - (mg/l)
Turbidity (NTU)
Total Suspended Solids - (mg/l)
Total Phosphorous - (mg/l)
Ammonia (mg/l)
Total Kjeldahl Nitrogen (mg/l)
Nitrate plus Nitrite Nitrogen (mg/l)
E. coli (col/100ml)

In addition to this list of parameters, uncontaminated rainfall pH shall be measured at the time the runoff sample is taken.

- c. The following standardized procedures must be used if the Permittee elects to monitor:
 - i. Samples shall be collected from discharges resulting from a storm event that is greater than 0.1 inch in magnitude and that occurs at least 72 hours after any previous storm event of 0.1 inch or greater. Runoff events resulting from snow or ice melt cannot be used to meet the minimum annual monitoring requirements. Grab samples shall be used for all monitoring. Grab samples shall be collected during the first 3 hours of a storm event discharge. The uncontaminated rainfall pH measurement shall also be taken at this time. Samples for all discharges shall be taken during the same storm event.
 - ii. The following information shall be collected for monitored the storm events:
- d. The date, temperature, time of the start of the discharge, time of sampling, and magnitude (in inches) of the storm event sampled.
- e. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event.

J. Reporting & Record Keeping Requirements. The permittee must keep records required by this permit for at least

3 years following its expiration or longer if requested by the Commissioner. The permittee must make records, including the Stormwater Management Plan, available to the public at reasonable times during regular business hours.

* March 10, 2004, and annually thereafter by March 10, the permittee must submit a report to:

STORMWATER PHASE II COORDINATOR
BUREAU OF LAND & WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333-0017

The report must include:

1. The annual fee of \$150.00;
2. The status of compliance with permit conditions, an assessment of the appropriateness of identified best management practices and progress towards achieving identified measurable goals for each of the Minimum Control Measures;
3. Results of information collected and analyzed, including monitoring data, if any, during the reporting period;
4. A summary of the stormwater activities the permittee intends to undertake pursuant to its Plan during the next reporting cycle; and
5. A change in any identified measurable goals that apply to the program elements.

K. Total Maximum Daily Load (TMDL) Allocations. Impaired waters and total maximum daily load (TMDL). If the waterbody to which a discharge drains is impaired, then the discharge may not cause or contribute to a violation of a water quality standard. If the waterbody to which a discharge drains is impaired and has an EPA approved TMDL, then the discharge must be consistent with the TMDL. If a TMDL is approved or modified by EPA subsequent to the effective date of this general permit, the Department shall notify the permittee and may:

1. Require the permittee to review its plan for consistency with the TMDL, and propose any necessary modification to the plan to the Department within six months of the receipt of notification concerning the TMDL;
2. Issue a watershed-specific general permit for the area draining to the impaired waterbody. If such a watershed-specific general permit is issued, it replaces this general permit for purposes of activities otherwise regulated under this general permit. The watershed-specific MS4 general permit may reference parts of this general permit; or
3. Require an individual permit.

PART VII -- Standard Conditions

A. Notice required. Prior to discharging under the terms of a General Permit, a person must file with the Department an initial Notice of Intent (NOI) for coverage on a form provided by the Department for the specific discharge category. A copy of the initial NOI form shall be provided to the municipal office of the town or city in which the discharge will occur at the time it is submitted to the Department. A check for the appropriate fee amount must accompany each NOI in order for the application for coverage under the General Permit to be considered to be complete.

- B. Effective date of coverage.** The Department must notify an applicant for coverage under a General Permit within 14 days of receipt of each complete NOI as to whether or not coverage for the specific discharge is accepted. If the Department does not notify the applicant with 14 days, the NOI is deemed to be accepted and coverage is granted. In the event coverage is not granted, the Department shall notify the applicant of the reasons for not granting coverage. Discharges not acceptable for General Permit coverage may apply for issuance of an individual discharge permit.
- C. Continuing Coverage.** Coverage under an existing General Permit will be continued upon payment of a \$150.00 annual fee, provided there are no changes in the discharge as described in the NOI. If changes occur or are proposed, the person having filed the NOI must notify the Department, as specified in the General Permit. Upon reissuance of a new General Permit, persons wishing to continue coverage must so notify the Department.
- D. Transfers of ownership.** In the event that the ownership of a discharge is transferred to a new owner, coverage under a General Permit may be transferred by notifying the Department in writing, provided the new owner proposes no changes in the discharge. If changes in the discharge are proposed, a new NOI must be filed.
- E. General restrictions.** A discharge covered by a General Permit may not:
1. Be to a body of water classified as Class GPA, AA, A or SA;⁹
 2. Be to a body of water having a drainage area of less than 10 square miles;
 3. Contain any pollutant, including toxic substances, in quantities or concentrations, which may cause or contribute to any adverse impact on the receiving water;
 4. Be to a receiving water which is not meeting its classification standard for any characteristic which may be affected by the discharge; or
 5. Impart color, taste, turbidity, radioactivity, settleable materials, floating substances or other properties that cause the receiving water to be unsuitable for the designated uses ascribed to its classification.
- F. Sampling and test procedures.** Where a General Permit requires sampling and testing of an effluent of other waste stream, all samples and measurements shall be representative of the volume and nature or the activity being monitored. The sampling, preservation, handling and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Water, American Public Health Association, Washington, D.C., latest approved edition or methods referenced in 40 CFR Part 136. However, different but equivalent methods are allowable if they receive prior written approval from the Department.
- G. Monitoring requirements.** In addition to monitoring required by the conditions of specific General Permit, the Department may require additional monitoring of an individual discharge as may be reasonably necessary in order to characterize the nature, volume or other attributes of that discharge or its sources.
- H. Removed substances.** Solids, sludges, filter backwash or other pollutants removed or resulting from the treatment of wastewaters shall be disposed of in a manner approved by the Department.
- I. Other applicable conditions.** The following conditions also apply to discharges pursuant to any General Permit and are incorporated herein as if fully set forth.

⁹ This standard condition is required by 06-096 CMR 529(3), effective January 12, 2001. However, note that 38 M.R.S.A. 465-A(1)(C), 465(1)(C) allow discharge of stormwater to GPA, AA and SA waters if the discharge is in compliance with state and local requirements. For requirements applicable to discharges to Class A waters, see 38 MRSA 465(2)(C). The Department is considering proposing emergency legislation to allow similar stormwater discharges to Class A waters and to watersheds of less than 10 square miles.

1. Chapter 523, Section 2 (applicable to all discharges)
2. Chapter 523, Section 3 (applicable to certain categories of discharges)

- J. Duty to mitigate.** The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
- K. Duty to provide information.** The Permittee shall furnish to the Department or an authorized representative of the Department any information that is requested to determine compliance with this general permit or other information.
- L. Other information.** When the Permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to the Department, he or she shall promptly submit such facts or information.
- M. Inspection and entry.** The Permittee shall allow employees and agents access as provided by 38 M.R.S.A. § 347-C. Filing of an NOI under this general permit authorizes access to the property by DEP and its representatives for the purpose of determining compliance with this general permit and Maine's waste discharge statutes and rules.
- N. Endangered Species.** Pursuant to 38 M.R.S.A. Section 7755-A, A state agency or municipal government shall not permit, license, fund or carry out projects that will:
- A. Significantly alter the habitat identified under § 7754 subsection 2 of any species designated as threatened or endangered under this subchapter; or
 - B. Violate protection guidelines set forth in section 7754, subsection 3.
- O. Individual Permit** When an individual permit is issued to a discharger otherwise subject to this permit, or the discharger is authorized to discharge under an alternative general permit, the applicability of this permit to the individual permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual permit is denied to an operator otherwise subject to this permit, or the operator is denied for coverage under an alternative general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Director.

Appendix A

Regulated Small MS4 Municipalities

Auburn
Bangor
Berwick
Biddeford
Brewer
Cape Elizabeth
Cumberland
Eliot
Falmouth
Freeport
Gorham
Hampden
Kittery
Lewiston
Milford
Old Orchard Beach
Old Town
Orono
Portland
Sabattus
Saco
Scarborough
South Berwick
South Portland
Veazie
Westbrook
Windham
Yarmouth